



## DEPARTMENT OF CORRECTIONS

## POLICIES &amp; PROCEDURES MANUAL

SUBJECT:

RELIGIOUS SERVICES

EFFECTIVE DATE:

MAR 28 1990

POLICY NO.:

493.12.05

CHAPTER NO.:

12

SUPERSEDES NO.:

493.12.05

DATE: 12-11-89

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No. 90-4512

1.0 Purpose

To provide policy and procedure guidelines relating to chaplaincy services and religious practices of inmates/wards.

2.0 References and Definitions.1 References

- a. United States Constitution, Amendments to the Constitution, Article I.
- b. Constitution of the State of Hawaii, Article I, Section 3.
- c. Rules and Regulations of the DOC, §17-203, Subchapter 4, Religion; §17-205, Subchapter 5, Incoming Publications.
- d. DOC Policy and Procedure Manual, 493.12.06, Free Expression and Association.
- e. DOC Policy and Procedure Manual 493.19.02, Volunteer Services.
- f. American Correctional Association Standards for Adult Local Detention Facilities, 2nd Edition, No. 2-5372.
- g. American Correctional Association Standards for Adult Correctional Institutions, 2nd Edition as revised in Correctional Standards Supplement, January, 1988, numbers 2-4463, 24468

.2 Definitions

- a. CLERGY: Qualified spiritual leaders who are empowered by their religious bodies to administer ordinances and/or sacraments, to perform rites, and to provide worship and religious services.
- b. PRIVILEGED COMMUNICATION: Oral or written communication to ordained clergy with the expectation that such communication remain confidential and not be divulged to other individuals. The person initiating such communication must indicate the information is privileged or be an act of the confessional.
- c. SPECIAL MANAGEMENT UNITS: Any unit such as the administrative segregation unit, disciplinary segregation unit, protective custody unit, etc., which restricts the movement of the inmates within that unit to the point where they are unable to attend programmatic activities outside of the unit.

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- d. RELIGIOUS PROGRAM MANAGER: A person appointed by the Director, Department of Corrections, who is in charge of coordinating, monitoring, reviewing, and evaluating all chaplaincy services and religious programs for the Department of Corrections (DOC).
- e. FACILITY CHAPLAIN: A member of the clergy who has the ecclesiastical endorsement of a recognized religious organization, according to that organization's administrative procedures and the approval of the DOC, to serve as a chaplain in a correctional facility. All facility chaplains are volunteers and serve without compensation from the DOC.
- f. RELIGIOUS VOLUNTEER: An approved clergy or lay person who provides religious services in a correctional facility on a regular or occasional basis without compensation from the DOC.

### 3.0 Policy

No inmate/ward shall be denied the right to practice the religion of his/her choosing. However, religious beliefs may not be used to subvert correctional authority or interfere with the order and security of the facility. Religious practices followed merely to obtain unwarranted privileges should not be protected. Thus, there should be a reasonable accommodation between religious beliefs and correctional goals.

1. Participation in religious activities and attendance at religious services is voluntary. The opportunity to attend services, activities, or meetings shall be offered to all inmates unless there is a compelling reason to restrict attendance for custody and security reasons. There will be no closed or unauthorized meetings, services, or activities.
2. All religious services, activities, and meetings shall follow branch facility rules, regulations, and policies in regards to the safety of the individual, the safety of the institution, the orderly conduct of the affairs of the institution and acceptable conduct of committed inmates/wards.
3. Liturgical apparel, such as skull caps and prayer shawls or other articles of religious significance, may be retained by inmates/wards; however, facility regulations may require that such apparel be stored in the Chaplain's Office or other designated area and be worn only during religious services if consideration of security, safety, and order so dictate. Inmates/wards may also wear religious medallions or ornaments if these do not interfere with the safe conduct of the institution.

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4. Volunteers engaged in one on one religious education with inmates will restrict the content of these sessions to subjects that teach religious or spiritual practices and principles. All other matters will be referred to the volunteer coordinator for follow up by facility social workers or the mental health unit.
5. Worship services or religious activities presented by a particular church, denomination, religious group or sect may be attended by any inmate subject to the safe and orderly conduct of the institution. Movement of the inmate to the service or activity will be in accordance with institution movement procedures.
6. A current schedule of all religious services and programs shall be posted in the religious services area(s) and other appropriate areas readily accessible to the inmate population.
7. Scheduling of all religious programs and services will be reviewed and revised quarterly by the volunteer coordinator to ensure fair and equitable access to scheduling of religious programs by all denominations and religious or spiritual groups cleared to enter the correctional facility.
8. Rituals of specific faiths or denominations may be conducted when appropriate facilities are available. Reasonable effort should be made to make the facilities available as funds and security requirements permit.
9. Communion services and other sacramental rituals should be conducted on a regular basis as appropriate. Sacramental wine may be used by the officiant when the use of such wine is deemed essential to the observance of the service. In such instances, the group requiring the use of wine for religious services shall notify the Facility Chaplain in advance of the service, and the Facility Chaplain shall notify the designated facility staff in charge of religious programming at the earliest possible opportunity.  
  
Grape juice will be substituted when wine is not essential. Only the quantity of wine needed for a specific service may be brought into the institution. Storage of wine for use in future services shall not be permitted.
10. Every effort will be made to facilitate the observance of important religious holidays. Observance of a particular religious holiday shall be in accordance with custody and security requirements of the institution. The request for a specific religious holiday observance will be initiated by the inmate. The specific religious requirements involved will be verified by the Facility Chaplain.

*Amended*

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11. Literature, publications, and/or books of or about religion or religious thinking shall be permitted where compliance with Department of Corrections rules and regulations on incoming publications is present. Committed offenders wishing to retain religious books, publications, and/or materials must comply with the general rules and regulations of the facility regarding the accumulation of personal property.
12. Inmates shall not be harassed, intimidated, ridiculed, or disturbed in person or property because of religious beliefs and practices. However, any religious activity may be restricted by the Branch Administrator when it is determined that there exists a due threat to facility order and security.
13. Each branch facility shall give equal status and protection to all religions.
  - a. In determining whether practices are religiously motivated, and so protected as valid religious activity under this policy, the following factors, among others, should be considered:
    - 1) Whether there is a substantial literature supporting the practice relating to religious principle.
    - 2) Whether there is a formal, organized worship guided by shared beliefs by a recognizable and cohesive group.
    - 3) Whether there is a loose and informal association of persons who share common ethical, moral, and intellectual views supporting the practice.
    - 4) Whether the belief is deeply and sincerely held by the practitioners.
  - b. The following factors should not be considered as indicating a lack of religious support for the practice in question:
    - 1) The belief is held by a small number of individuals.
    - 2) The belief is of recent origin.
    - 3) The belief is not based on the concept of a Supreme Being or its equivalent.
    - 4) The belief is socially or politically unpopular or controversial.

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14. In determining whether an individual's practices are religiously motivated, the Branch Administrator shall allow the individual to present evidence of the religious nature of such practices to the personnel making the determination.
15. Branch facilities shall not proselytize persons under its supervision or permit others to do so without the consent of the person concerned. Reasonable opportunity and access should be provided to individuals requesting information about the activities of any religion in which they may be interested.
16. Records pertaining to an inmate/ward should reflect any change of religious preference or affiliation.
17. In making judgments regarding the adjustment of an inmate/ward, branch facilities should not:
  - a. base determinations concerning inmate/ward status or release eligibility on the sincerity of religious beliefs or the presence or lack thereof;
  - b. impose, as a condition of confinement, parole, probation, or release, the active practice of any religion or religious belief.
18. Religious activity that poses a due threat to facility order and/or security shall be suspended or discontinued in accordance with security rules and regulations. (See Rules and Regulations of the Department of Corrections, 17-203-17.)
19. Clergy and spiritual advisors of all faiths shall be allowed visitation and correspondence, with inmates/wards in response to inmates/wards request for spiritual counseling or services.
20. Facility Chaplains, though not compensated by the DOC, shall have limited responsibilities and authority as delineated in Section 4. Religious Volunteers, although given the courtesy title of "correctional staff" in accordance with DOC Policy No. 493.19.2 (Volunteer Services), do not have the authorization to approve inmate requests, to schedule or arrange for inmate movement or any other activity requiring a line of authority action. All activities requiring a line of authority decision or approval must be reviewed and approved by Department of Corrections staff.
21. Religious activity areas shall be subject to reasonable and respectful observations and inspections, as necessary, to maintain institutional safety, security, and orderliness. Inspection procedures shall be administered in a manner which reflects an awareness of and a sensitivity to individual beliefs, practices, and materials used in the exercise of religious beliefs and customs.

22. A Volunteer Services Monthly Time Report (DOC 8108) will be submitted to the Volunteer Coordinator with a copy to the Religious Program Manager for all chaplains and religious volunteers.

#### 4.0 Procedure

##### .1 Staff Responsibility

###### The DOC Religious Program Manager

- a. Will oversee the general operation of inmate religious programs and chaplaincy services in accordance with DOC Policies and Procedures on Volunteer Services and Religious Service.
- b. Shall establish criteria for selecting facility chaplains.
- c. Shall determine the number of chaplains needed at each facility.
- d. Shall review each facility's religious program.
- e. Shall make recommendations as to who should be appointed as facility chaplains.
- f. Shall make recommendations on the termination of facility chaplains.

###### Branch Administrator

- a. Will provide office, storage, and program space for religious counseling, education, and services on an equitable basis to all groups and individuals providing religious services and programs to the inmate population.
  - 1) No group will be given preferential treatment over any other group.
  - 2) The Branch Administrator will be responsible for the fair and equitable use of facility support services, and scheduling of office use and program space.
- b. Ensure that all policies and procedures regarding Volunteer Services and Religious Services are followed by all concerned.

###### Branch Liaison Volunteer Coordinator

- a. Recruit religious volunteers in accordance with inmates' expressed needs and in response to inmates' inter-unit request for religious counseling, education, and/or services.

- b. Ensure that all religious volunteers have completed and submitted DOC 8108, Volunteer Application.
- c. Complete security check as required for all religious volunteers, including facility chaplains.
- d. Provide orientation to all religious volunteers prior to scheduling them.
- e. Schedule religious services, counseling, and/or educational activities to be carried out by the religious volunteers making every effort to accommodate the groups' beliefs or doctrines with regard to Sabbath Days.
- f. Monitors supervision of the religious volunteers by correctional Program Staff or Security Staff. Volunteers cannot supervise volunteers.
- g. All duties assigned to the Branch Liaison Volunteer Coordinator (BLVC) in the Department's Policy and Procedures for Volunteer Services apply to the BLVC's responsibilities for monitoring religious programs in the facility.

#### Facility Chaplains

- a. Facility Chaplains shall be generally supervised by the facility staff designated by the Branch Administrator. However, the chaplains shall be responsible to the Religious Program Manager for program formulation, types of services offered, and moral and ethical behavior.
- b. Chaplains are to be primarily involved in those matters directly related to the religious portion of the inmates' institutional life and rehabilitation. The chaplain is responsible for ministering to inmates, staff, and inmate families regardless of their religious beliefs or affiliation.
  - 1) Chaplains may minister to staff on an individual, immediate need basis, but should refer staff to outside sources of assistance for other than immediate needs.
  - 2) Chaplains may provide counseling to families dealing with the inmate's incarceration on an immediate need basis and may refer them to outside sources of assistance.

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- c. Facility chaplains must agree to provide at least ten hours of service per week to the Department. Any chaplain who fails to meet this minimum, without adequate explanation, may be terminated by the Director, upon recommendation of the Religious Program Manager.
- d. The chaplain and religious volunteers shall not proselytize an inmate to change his or her religious preference or faith. A change of religious preference or affiliation must be initiated by the inmate desiring the change. Nothing in this section should be construed as prohibiting a chaplain or volunteer from sharing personal religious beliefs when so requested by the inmate.
- e. Inmates may request to see or talk with the chaplain as they feel the need. Chaplains are to process inmates requests in accordance with their urgency and should handle all requests as soon as possible.
- f. Chaplains shall minister to every inmate when requested, regardless of the offender's religious beliefs or affiliation.
  - 1) The chaplain shall not disclose information received from privileged communication unless a life is endangered or the security of the institution is threatened. Certain religious groups (i.e., Roman Catholic where the confessional is a sacred sacrament) are exempt from the requirement to divulge information obtained under the protection of the confessional only.
  - 2) Chaplains shall counsel inmates referred to them by staff. Staff making the referral should provide the chaplain with sufficient information so that the chaplain may proceed with counseling in an appropriate manner.
- g. In the event chaplains receive a request from an inmate for advice or assistance relating to non-religious matter, they will:
  - 1) Explain to the inmate that the request does not come under the chaplains assigned duties and jurisdiction.
  - 2) Advise and assist the inmate in contacting the proper staff member.



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- h. When inmates are housed in a special management unit, the chaplain will provide one-on-one contact with inmates who desire religious counseling in accordance with operating procedures. Inmates in special management units may request religious counseling from approved representatives of their own faith in accordance with branch operating procedures.
- i. The chaplain shall have access to all areas of the institution and will schedule regular visits to all housing and program areas within the institution. Staff members in charge of the area visited shall be notified of the chaplain's presence. The chaplain will cooperate with staff during ongoing programs to ensure that custody and security requirements are strictly observed.
- j. The chaplain will make available to the inmate population information relating to religious services and activities offered by the institution and those services and activities provided by representatives of the religious community.
- k. The chaplain shall, at a designated time, participate in reception and orientation activities for all new inmates entering the institution. The chaplain should obtain information relative to the religious background and interest(s) of the inmate and provide him/her with the following information.
  - 1) services offered;
  - 2) the times and places of religious activities and programs;
  - 3) procedures to be followed by the inmate in order to attend scheduled religious services, to receive counseling from the chaplain, or to receive religious counseling or services from an approved representative of his or her own faith;
  - 4) religious and devotional material available and procedures for obtaining religious and devotional material from outside the institution;
  - 5) answer any general questions relative to religious programs of the institution.

1. The chaplain will plan religious programs to ensure coordination with the institutional schedule of activities. Weekday services are to be planned in cooperation with other program areas to avoid conflict. When approved religious services are held on days other than Saturday and Sunday, inmates of the faith will be excused from work or class to attend the services, whenever possible. If an inmate is excused from work in fulfillment of a religious requirement, that inmate may be scheduled for work on other days to compensate for loss of work-time if deemed necessary by the workline supervisor.
- m. The chaplain may develop and coordinate a program of religious education at each institution. All proposed programs shall be submitted to the Religious Program Manager for approval of content and to the appropriate facility staff for inclusion in the schedule of approved activities. The following factors shall determine the scheduling and approval of religious programs and services:
  - 1) inmates' constitutional right to religious freedom as balanced by facility order and security;
  - 2) availability of program time slots, meeting space, and approved supervisory personnel;
  - 3) determination whether a program duplicates existing programs or services;
  - 4) consideration of its value for religious and personal growth and for pastoral care delivery.
- n. The chaplain shall submit all reports and documentation as required by DOC Policy and Procedure 493.19.02 (Volunteer Services) to the Branch Volunteer Coordinator.

#### Religious Volunteers Responsibilities

- a. Provide religious counseling, education, and services in keeping with the groups traditions and beliefs to inmates who request services from the group or individual. Inmates may request religious counseling or services via the interunit request.
- b. Submit monthly reports to the volunteer coordinator at each facility using the DOC 8108, Volunteer Monthly Time Report.

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- c. Work within the DOC Policy and Procedures of 493.19.02 Volunteer Services and 493.12.05 Religious Services.
- d. Follow all facility rules and regulations to ensure the strict maintenance of Security and Safety in the facility.

#### 5.0 Scope

This policy applies to all branch facilities of the Department of Corrections.

This policy supersedes 493.12.05 in Religious Services.

APPROVED: 

~~Acting~~ Director

MAR 28 1990

Date

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